

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER ALLEN CAIN,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

NO: 2:16-CV-211-RMP

ORDER ADOPTING IN PART AND
REJECTING IN PART AMENDED
REPORT AND RECOMMENDATION

Magistrate Judge John T. Rodgers filed an Amended Report and Recommendation, ECF No. 9, recommending that this case be closed due to Plaintiff's failure to comply with the Court's Order Denying Renewed Application to Proceed In Forma Pauperis, ECF No. 6.

On June 27, 2016, the Court ordered Plaintiff to either pay a filing fee or submit a proper application to proceed *in forma pauperis* within thirty days of the Order, and Plaintiff was required to show cause as to why he should be allowed to represent an estate pro se. *See generally* Order Denying Renewed Application to Proceed in Forma Pauperis, ECF No. 6. In response, Plaintiff filed a twenty-two

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1 page document purporting to be an affidavit to remove a case from state court. *See*
2 ECF No. 7. As Plaintiff did not comply with the Court's Order by paying a filing
3 fee or timely submitting proper documentation to proceed *in forma pauperis*,
4 Magistrate Judge Rodgers recommended that Plaintiff's case be dismissed. *See*
5 Amended Report and Recommendation, ECF No. 9.

6 Plaintiff was provided fourteen days to object to the Amended Report and
7 Recommendation. *See id.* Within that time period, Plaintiff filed a document
8 labeled "Equitable Bond Deposit" in which he objected "to the denial of the notice
9 of removal," but he does not articulate any specific legal objection to the Amended
10 Report and Recommendation. *See* Equitable Bond Deposit, ECF No. 10.

11 Therefore, the Court finds good cause to adopt the Amended Report and
12 Recommendation, ECF No. 9, to the extent that it recommends denying Plaintiff's
13 application to proceed *in forma pauperis*.

14 Following the expiration of the fourteen-day time period when Plaintiff
15 could have objected to the Amended Report and Recommendation, Plaintiff
16 submitted a letter, ECF No. 11, and a non-certified copy of a Prisoner Trust Fund
17 Account Statement, ECF No. 12. These documents were filed after the expiration
18 of the thirty-day period as ordered by the Court on June 27, 2016. However, due to
19 Plaintiff's status as a pro se litigant, the Court will allow him another opportunity
20 to renew his application to proceed *in forma pauperis*. If he wishes to do so,
21 Plaintiff must comply with the requirements of 28 U.S.C. § 1915 and must submit

1 a certified copy of his trust fund account to support a new application to proceed *in*
2 *forma pauperis* as well as all other necessary papers to commence a legal action in
3 federal court.

4 Federal courts have limited subject matter jurisdiction. If Plaintiff is
5 attempting to remove a civil case from state court, he must clearly identify what
6 case he is removing and what legal basis he has for bringing the case in federal
7 court. Plaintiff must identify the state case that he seeks to remove, must file in
8 federal court all of the documents from that state court matter, and must provide a
9 basis for this Court's jurisdiction. *See generally* 28 U.S.C. § 1446. If Plaintiff is
10 attempting to remove his criminal charges from state court to federal court, he
11 would have to establish how the federal court has jurisdiction to hear his case.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. The Amended Report and Recommendation, **ECF No. 9**, is **ADOPTED**
14 **IN PART AND REJECTED IN PART**. Plaintiff may file an amended
15 application to proceed *in forma pauperis* with supporting documentation and an
16 amended notice of removal with supporting documentation within thirty (30) days
17 of this Order.

18 2. The initial Report and Recommendation, **ECF No. 8**, is **ADOPTED IN**
19 **PART AND REJECTED IN PART**, consistent with this Order.

20 3. Plaintiff's Affidavit to Remove 16-1-013237 From State Court, **ECF No.**
21 **7**, is **DENIED** with leave to renew.

1 The District Court Clerk is directed to enter this Order, to set a 30 day case
2 management deadline, and to provide copies to counsel and pro se Plaintiff.

3 **DATED** this 29th day of November 2016.

4 *s/ Rosanna Malouf Peterson*

5 ROSANNA MALOUF PETERSON

6 United States District Judge
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